THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14389 of 2007

Dated:06.07.2007

Between
G.Balaswamy

.....Petitioner

and

1.The Labour Court-III, rep., by its
Presiding Officer, Nampally,
Hyderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14389 of 2007

ORDER:

It appears that the petitioner filed I.D.No.181 of 2000 under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') before Labour Court-III, Hyderabad. The said I.D was allowed on 13.5.2003and the respondent-Corporation was directed to reinstate the petitioner with continuity of service, but without back wages. Pursuant to the said order, he was not reinstated into service immediately, and was reinstated only on 10.8.2005. Therefore, the petitioner filed MP No.15 of 2002 under Section 33-C (2) of the Act claiming salary from the date of award till the date of reinstatement. After a detailed consideration, the MP was allowed directing the 2nd and 3rd respondents to pay a sum of

Rs.1,06,620/- on or before 5.7.2006. Aggrieved by the same, the respondent-Corporation filed WP No. 21598 of 2006 and the same was dismissed by this Court on 10.11.2006. Challenging the same, the respondent-Corporation carried the matter in Writ Appeal being WA No.1319 of 2006. Though the writ appeal was admitted, the stay petition was dismissed on 29.1.2007. Thereafter, the respondent-Corporation has deposited the entire amount to the credit of MP No.15 of 2005. When the petitioner filed petition seeking withdrawal of the said amount, the Labour Court has put a condition that he should furnish third party security and personal bonds for the entire amount. Questioning the said order, the present writ petition is filed.

Heard both sides.

It appears that the petitioner is aged about 43 years and is still in service of the Corporation. If there is any necessity of recovering the said amount, the employer can

very well do so. I am of the opinion that in a case of this nature, the Labour Court was not right in putting a condition permitting the petitioner to withdraw the amounts by furnishing 3rd party security and personal bonds. In the circumstances, the impugned order is liable to be set aside and accordingly set aside.

Accordingly, the writ petition is allowed. The petitioner shall be permitted to withdraw the amount, which was deposited in the Labour Court, without furnishing any security. No costs.

_____

6-7-2007

rkk